

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

4

HOUSE BILL 834
Committee Substitute Favorable 5/31/23
Senate Judiciary Committee Substitute Adopted 5/14/24
Fourth Edition Engrossed 5/15/24

Short Title: Juvenile Justice Modifications.

(Public)

Sponsors:

Referred to:

April 24, 2023

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DEFINITION OF DELINQUENT JUVENILE, TO MODIFY THE TRANSFER PROCESS FOR INDICTED JUVENILE CASES, TO CREATE A NEW PROCESS TO REMOVE A CASE TO JUVENILE COURT, TO MAKE CHANGES TO SCHOOL USE OF INFORMATION, TO MAKE SECURE CUSTODY HEARING CHANGES, TO MAKE TECHNICAL CORRECTIONS, TO MAKE CHANGES TO CERTAIN DISPOSITIONAL ALTERNATIVES, AND TO INCREASE THE PUNISHMENT FOR AN ADULT TO SOLICIT A MINOR TO COMMIT A CRIME AND TO MODIFY THE NUMBER OF DAYS FOR REQUEST FOR REVIEW BY A PROSECUTOR.

The General Assembly of North Carolina enacts:

MODIFY DEFINITION OF DELINQUENT JUVENILE

SECTION 1. G.S. 7B-1501(7) reads as rewritten:

"(7) Delinquent juvenile. –

- a. Any juvenile who, while less than 16 years of age but at least 10 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31.
- b. Any juvenile who, while less than 18 years of age but at least 16 years of age, commits a crime or an infraction under State law or under an ordinance of local government, excluding all violations of the motor vehicle laws under Chapter 20 of the General Statutes, the offenses in sub-sub-subdivisions 1. and 2. of this sub-subdivision, or who commits indirect contempt by a juvenile as defined in G.S. 5A-31. Offenses excluded from the definition of delinquent juvenile when committed while less than 18 years of age but at least 16 years of age include the following:
 1. All violations of the motor vehicle laws under Chapter 20 of the General Statutes.
 2. Any offense punishable as a Class A, B1, B2, C, D, or E felony if committed by an adult, together with any offense based on the same act or transaction or on a series of acts or transactions



* H 8 3 4 - V - 4 *

1 connected together or constituting parts of a single scheme or
2 plan of that offense, and any greater or lesser included offense
3 of that offense.

- 4 c. Any juvenile who, while less than 10 years of age but at least 8 years
5 of age, commits a Class A, B1, B2, C, D, E, F, or G felony under State
6 law.
7 d. Any juvenile who, while less than 10 years of age but at least 8 years
8 of age, commits a crime or an infraction under State law or under an
9 ordinance of local government, including violation of the motor
10 vehicle laws, and has been previously adjudicated delinquent."
11

12 **MODIFY THE TRANSFER PROCESS FOR INDICTED JUVENILE CASES**

13 **SECTION 2.(a)** G.S. 7B-1808(a) reads as rewritten:

14 "(a) A juvenile who is alleged in the petition to have committed an offense that would be
15 a felony if committed by an ~~adult~~ adult, including in a matter that has been removed from superior
16 court pursuant to G.S. 15A-960, shall be summoned to appear before the court for a first
17 appearance within 10 days of the filing of the petition. If the juvenile is in secure or nonsecure
18 custody, the first appearance shall take place at the initial hearing required by G.S. 7B-1906.
19 Unless the juvenile is in secure or nonsecure custody, the court may continue the first appearance
20 to a time certain for good cause."

21 **SECTION 2.(b)** G.S. 7B-1906(b2) reads as rewritten:

22 "(b2) A hearing to determine the need for continued secure custody shall be held no more
23 than 10 calendar days following the issuance of a secure custody order on remand of the matter
24 from superior court pursuant to ~~G.S. 7B-2200.5(d)~~ G.S. 7B-2200.5(d) or on removal of the
25 matter from superior court pursuant to G.S. 15A-960. A hearing conducted under this subsection
26 may not be continued or waived. Subsequent hearings on the need for continued secure custody
27 shall be held pursuant to subsection (b1) of this section. The district court has authority to modify
28 any secure custody order pursuant to the provisions of this section following the issuance of that
29 order by the superior court."

30 **SECTION 2.(c)** G.S. 7B-2200 reads as rewritten:

31 "**§ 7B-2200. Transfer of jurisdiction of a juvenile under the age of 16 to superior court.**

32 (a) Discretionary Transfer. – Except as otherwise provided in G.S. 7B-2200.5, after
33 notice, hearing, and a finding of probable cause the court may, upon motion of the prosecutor or
34 the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior
35 court if the juvenile was at least 13 years of age but less than 16 years of age at the time the
36 juvenile allegedly committed an offense that would be a ~~felony~~ felony, other than a Class A
37 felony, if committed by an adult.

38 (b) Mandatory Transfer. – The court shall transfer the case to superior court for trial as
39 in the case of adults if the felony the juvenile allegedly committed constitutes a Class A felony
40 and (i) the court finds probable cause or (ii) upon notice of the return of a true bill of indictment
41 as provided in ~~G.S. 15A-630~~ G.S. 7B-2202.5.

42 (c) Remand to District Court. – In any case where jurisdiction over a juvenile has been
43 transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the
44 superior court shall remand the case to district court. The prosecutor shall provide the chief court
45 counselor or his or her designee with a copy of the joint motion prior to submitting the motion to
46 the court. The superior court shall expunge the superior court record in accordance with
47 G.S. 15A-145.8 at the time of remand and, if the juvenile meets the criteria established in
48 G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The
49 prosecutor shall provide a copy of any issued secure custody order to the chief court counselor
50 or his or her designee, as soon as possible and no more than 24 hours after the order is issued."

51 **SECTION 2.(d)** G.S. 7B-2200.5 reads as rewritten:

1 **"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.**

2 (a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed
3 an offense that would be a ~~Class A, B1, B2, C, D, E, F, or G felony~~ Class F or G felony if
4 committed by an adult, the court shall transfer jurisdiction over the juvenile to superior court for
5 trial as in the case of adults unless the prosecutor declines to prosecute in superior court as
6 provided in subsection (a1) of this section after either of the following:

7 (1) Notice to the juvenile of the return of a true bill of indictment as provided in
8 ~~G.S. 15A-630~~ G.S. 7B-2202.5.

9 (2) Notice, hearing, and a finding of probable cause that the juvenile committed
10 an offense that constitutes a ~~Class A, B1, B2, C, D, E, F, or G~~ Class F or G
11 felony if committed by an adult.

12 (a1) The prosecutor may decline to prosecute in superior court a matter that would
13 otherwise be subject to mandatory transfer pursuant to subsection (a) of this section if the juvenile
14 has allegedly committed an offense that would be a ~~Class D, E, F, or G felony~~ Class F or G felony
15 if committed by an adult. If the prosecutor declines to prosecute the matter in superior court,
16 jurisdiction over the juvenile shall remain in juvenile court following a finding of probable cause
17 pursuant to G.S. 7B-2202. Prior to adjudication, the prosecutor may choose to transfer the matter
18 pursuant to subsection (a) of this section if the juvenile has allegedly committed an offense that
19 would be a ~~Class D, E, F, or G felony~~ Class F or G felony if committed by an adult.

20 (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly
21 committed an offense that would be a Class H or I felony if committed by an adult, after notice,
22 hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the
23 juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court
24 pursuant to G.S. 7B-2203.

25 ~~(c) A probable cause hearing conducted pursuant to subdivision (2) of subsection (a) of~~
26 ~~this section shall be conducted within 90 days of the date of the juvenile's first appearance. The~~
27 ~~court may continue the hearing for good cause.~~

28 (d) In any case where jurisdiction over a juvenile has been transferred to superior court,
29 upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand
30 the case to district court. The prosecutor shall provide the chief court counselor or his or her
31 designee with a copy of the joint motion prior to submitting the motion to the court. The superior
32 court shall expunge the superior court record in accordance with G.S. 15A-145.8 at the time of
33 remand, and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order
34 for secure custody upon the request of a prosecutor. The prosecutor shall provide a copy of any
35 secure custody order issued to the chief court counselor or his or her designee, as soon as possible
36 and no more than 24 hours after the order is issued."

37 **SECTION 2.(e)** G.S. 7B-2202 reads as rewritten:

38 **"§ 7B-2202. Probable cause hearing.**

39 (a) Except as otherwise provided in G.S. 7B-2200 and ~~G.S. 7B-2200.5(a)(1),~~
40 G.S. 7B-2200.5 and in matters that have been removed from superior court pursuant to
41 G.S. 15A-960, the prosecutor shall calendar the date of the probable cause hearing and the court
42 shall provide notice and conduct a hearing to determine probable cause in all felony cases in
43 which a juvenile was 13 years of age or older when the offense was allegedly committed. Except
44 as otherwise provided in ~~G.S. 7B-2200.5(e), this section,~~ the hearing shall be conducted within
45 15 days of the date of the juvenile's first appearance. The court may continue the hearing for good
46 cause.

47 (b) At the probable cause hearing:

48 (1) A prosecutor shall represent the State;

49 (2) The juvenile shall be represented by counsel;

50 (3) The juvenile may testify, call, and examine witnesses, and present evidence;
51 and

1 (4) Each witness shall testify under oath or affirmation and be subject to
2 cross-examination.

3 (b1) A probable cause hearing conducted in any case in which a juvenile was 13, 14, or 15
4 years of age at the time the juvenile allegedly committed an offense that would be a Class A
5 felony if committed by an adult or in any case in which a juvenile was 16 or 17 years of age at
6 the time the juvenile allegedly committed an offense that would be a Class F or G felony if
7 committed by an adult shall be conducted within 90 days of the date of the juvenile's first
8 appearance. The court may continue the hearing for good cause.

9"

10 **SECTION 2.(f)** Article 22 of Chapter 7B of the General Statutes is amended by
11 adding a new section to read:

12 "**§ 7B-2202.5. Indictment return appearance.**

13 (a) The prosecutor must immediately notify the court if a true bill of indictment is
14 returned for an offense (i) that constitutes a Class A felony if committed by an adult that was
15 allegedly committed when the juvenile was at least 13 years of age but less than 16 years of age
16 or (ii) that constitutes a Class F or G felony if committed by an adult that was allegedly committed
17 when the juvenile was at least 16 years of age but less than 18 years of age.

18 (b) The court shall calendar the matter for an appearance within five business days of the
19 date the true bill of indictment was returned. At the appearance, the court shall determine only if
20 notice of a true bill of indictment charging the commission of an offense identified in subsection
21 (a) of this section was provided in accordance with G.S. 15A-630. If the court finds that such
22 notice was provided, the court shall (i) transfer jurisdiction over the juvenile to superior court for
23 trial as in the case of adults and (ii) determine conditions of pretrial release, as required by
24 G.S. 7B-2204."

25 **SECTION 2.(g)** G.S. 7B-2603 reads as rewritten:

26 "**§ 7B-2603. Right to appeal transfer decision.**

27 (a) Notwithstanding G.S. 7B-2602, any order transferring jurisdiction of the district court
28 in a juvenile matter to the superior court may be appealed to the superior ~~court~~ court, except for
29 an order that transfers a Class A felony pursuant to G.S. 7B-2200(b) or a Class F or G felony
30 pursuant to G.S. 7B-2200.5(a), for a hearing on the record. Notice of the appeal must be given in
31 open court or in writing within 10 days after entry of the order of transfer in district court. Entry
32 of an order shall be treated in the same manner as entry of a judgment under G.S. 1A-1, Rule 58
33 of the North Carolina Rules of Civil Procedure. The clerk of superior court shall provide the
34 district attorney with a copy of any written notice of appeal filed by the attorney for the juvenile.
35 Upon expiration of the 10 day period in which an appeal may be entered, if an appeal has been
36 entered and not withdrawn, the clerk shall transfer the case to the superior court docket. The
37 superior court shall, within a reasonable time, review the record of the transfer hearing for abuse
38 of discretion by the juvenile court in the issue of transfer. The superior court shall not review the
39 findings as to probable cause for the underlying offense.

40 (b) Once an order of transfer has been entered by the district court, the juvenile has the
41 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. Any
42 detention of the juvenile pending release shall be in accordance with G.S. 7B-2204.

43 (c) If an appeal of the transfer order is taken, the superior court shall enter an order either
44 (i) remanding the case to the juvenile court for adjudication or (ii) upholding the transfer order.
45 If the superior court remands the case to juvenile court for adjudication and the juvenile has been
46 granted pretrial release provided in G.S. 15A-533 and G.S. 15A-534, the obligor shall be released
47 from the juvenile's bond upon the district court's review of whether the juvenile shall be placed
48 in secure or nonsecure custody as provided in G.S. 7B-1903.

49 (d) The superior court order shall be an interlocutory order, and the issue of transfer may
50 be appealed to the Court of Appeals only after the juvenile has been convicted in superior court.
51 The issue of transfer may be appealed to the Court of Appeals in any case involving the transfer

1 of a Class A felony pursuant to G.S. 7B-2200(b) or a Class F or G felony pursuant to
2 G.S. 7B-2200.5(a), only after the juvenile has been convicted in superior court."

4 **CREATE NEW PROCESS TO REMOVE CASE TO JUVENILE COURT**

5 **SECTION 3.(a)** G.S. 7B-1902 reads as rewritten:

6 "**§ 7B-1902. Authority to issue custody orders; delegation.**

7 In the case of any juvenile alleged to be within the jurisdiction of the court, when the court
8 finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed
9 in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

10 Any district court judge may issue secure and nonsecure custody orders pursuant to
11 G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court
12 counselor or the chief court counselor's counseling staff by administrative order filed in the office
13 of the clerk of superior court. The administrative order shall specify which persons may be
14 contacted for approval of a secure or nonsecure custody order. The chief district court judge shall
15 not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to
16 G.S. 7B-1905 or G.S. 7B-2513.

17 Any superior court judge may issue a secure custody order pursuant to G.S. 7B-1903 when a
18 juvenile matter that has been transferred to superior court is remanded to district court pursuant
19 to ~~G.S. 7B-2200.5(d)~~ G.S. 7B-2200.5(d) or when the superior court has ordered the removal of a
20 case to juvenile court pursuant to G.S. 15A-960."

21 **SECTION 3.(b)** Article 52 of Chapter 15A of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 15A-960. Removal of juveniles charged with committing Class A, B1, B2, C, D, or E**
24 **felony offenses at age 16 and 17.**

25 (a) Any time after an indictment has been returned or a criminal information has been
26 issued for a Class A, B1, B2, C, D, or E felony, excluding offenses constituting violations of the
27 motor vehicle laws under Chapter 20 of the General Statutes, and before the jury is sworn and
28 impaneled, the superior court shall order the removal of the action to juvenile court upon joint
29 motion of the prosecutor and the defendant's attorney. The order shall be in writing and shall
30 require the chief court counselor or his or her designee to file a juvenile petition in the case within
31 10 calendar days after removal is ordered. The prosecutor shall provide the chief court counselor
32 or his or her designee with a copy of the joint motion prior to submitting the motion to the court.

33 (b) The superior court shall expunge the criminal charges and superior court record in
34 accordance with G.S. 15A-145.8 at the time of removal and, if the defendant meets the criteria
35 established in G.S. 7B-1903, may issue an order for secure custody upon the request of a
36 prosecutor. The prosecutor shall provide a copy of any issued secure custody order to the chief
37 court counselor or his or her designee, as soon as possible and no more than 24 hours after the
38 order is issued."

39 **SECTION 3.(c)** G.S. 15A-145.8 reads as rewritten:

40 "**§ 15A-145.8. Expunction of records when charges are remanded to district court for**
41 **juvenile adjudication.**

42 (a) Upon remand pursuant to ~~G.S. 7B-2200.5(d)~~, G.S. 7B-2200(c) or G.S. 7B-2200.5(d)
43 or removal pursuant to G.S. 15A-960, the court shall order expunction of all remanded or
44 removed charges. No person as to whom such an order has been entered shall be held thereafter
45 under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false
46 statement or response to any inquiry made for any purpose, by reason of his or her failure to
47 recite or acknowledge any expunged entries concerning apprehension or trial.

48 (b) The court shall also order the expunction of DNA records when the person's charges
49 have been remanded or removed to district court for juvenile adjudication and the person's DNA
50 record or profile has been included in the State DNA Database and the person's DNA sample is
51 stored in the State DNA Databank as a result of the charges that were ~~remanded~~ remanded or

1 removed. The order of expungement shall include the name and address of the defendant and the
2 defendant's attorney and shall direct the North Carolina State Crime Laboratory to send a letter
3 documenting expungement as required by subsection (c) of this section.

4"

6 CHANGES TO SCHOOL USE OF INFORMATION

7 **SECTION 4.(a)** G.S. 7B-3101(a) reads as rewritten:

8 "**§ 7B-3101. Notification of schools when juveniles are alleged or found to be delinquent.**

9 (a) Notwithstanding G.S. 7B-3000, the juvenile court counselor shall deliver verbal and
10 written notification of any of the following actions to the principal of the school that the juvenile
11 attends:

- 12 (1) A petition is filed under G.S. 7B-1802 that alleges delinquency for an offense
13 that would ~~be a felony~~ constitute a Class A, B1, B2, C, D, or E felony if
14 committed by an adult. The principal of the school shall make an
15 individualized decision related to the status of the student during the pendency
16 of the matter and not have an automatic suspension policy.
- 17 (2) The court transfers jurisdiction over a juvenile to the superior court under
18 G.S. 7B-2200.5 or G.S. 7B-2200.
- 19 (3) The court dismisses under G.S. 7B-2411 the petition that alleges delinquency
20 for an offense that would be a felony if committed by an adult.
- 21 (4) The court issues a dispositional order under Article 25 of Chapter 7B of the
22 General Statutes including, but not limited to, an order of probation that
23 requires school attendance, concerning a juvenile alleged or found delinquent
24 for an offense that would be a felony if committed by an adult.
- 25 (5) The court modifies or vacates any order or disposition under G.S. 7B-2600
26 concerning a juvenile alleged or found delinquent for an offense that would
27 be a felony if committed by an adult.

28 Notification of the school principal in person or by telephone shall be made before the
29 beginning of the next school day. Delivery shall be made as soon as practicable but at least within
30 five days of the action. Delivery shall be made in person or by certified mail. Notification that a
31 petition has been filed shall describe the nature of the offense. Notification of a dispositional
32 order, a modified or vacated order, or a transfer to superior court shall describe the court's action
33 and any applicable disposition requirements. As used in this subsection, the term "offense" does
34 not include any offense under Chapter 20 of the General Statutes."

35 **SECTION 4.(b)** G.S. 115C-404(b) reads as rewritten:

36 "(b) Documents received under this section shall be used only to protect the safety of or
37 to improve the education opportunities for the student or others. Information gained in
38 accordance with G.S. 7B-3100 shall not be the sole basis for a decision to suspend or expel a
39 student. The principal of the school shall make an individualized decision related to the status of
40 the student during the pendency of the matter and not have an automatic suspension policy. Upon
41 receipt of each document, the principal shall share the document with those individuals who have
42 (i) direct guidance, teaching, or supervisory responsibility for the student, and (ii) a specific need
43 to know in order to protect the safety of the student or others. Those individuals shall indicate in
44 writing that they have read the document and that they agree to maintain its confidentiality.
45 Failure to maintain the confidentiality of these documents as required by this section is grounds
46 for the dismissal of an employee who is not employed on contract, grounds for dismissal of an
47 employee on contract in accordance with G.S. 115C-325.4(a)(9), and grounds for dismissal of an
48 employee who is a career employee in accordance with G.S. 115C-325(e)(1)i."

50 SECURE CUSTODY HEARING CHANGES

51 **SECTION 5.** G.S. 7B-1906(b) reads as rewritten:

1 "(b) ~~As Except as otherwise provided in this section, as~~ long as the juvenile remains in
2 secure or nonsecure custody, further hearings to determine the need for continued secure custody
3 shall be held at intervals of no more than ~~10 calendar days, except as otherwise provided in this~~
4 ~~section. 30 calendar days unless any party requests, or the court orders, an earlier hearing in~~
5 which case the court shall schedule a hearing within 10 calendar days of the request. A
6 subsequent hearing on continued nonsecure custody shall be held within seven business days,
7 excluding Saturdays, Sundays, and legal holidays when the courthouse is closed for transactions,
8 of the initial hearing required in subsection (a) of this section and hearings thereafter shall be
9 held at intervals of no more than 30 calendar days. In the case of a juvenile alleged to be
10 delinquent, further hearings may be waived only with the consent of the juvenile, through counsel
11 for the juvenile."
12

13 TECHNICAL CORRECTIONS

14 **SECTION 6.(a)** G.S. 7B-2401.2(d) reads as rewritten:

15 "(d) The forensic evaluation ~~report~~ shall be completed within 30 days of the date the
16 forensic evaluation was ordered, consistent with this section. The court may extend the time for
17 completion of the forensic evaluation for good cause shown. The forensic evaluation report shall
18 be provided to the court as follows:

- 19 (1) The report in a case of a juvenile who is alleged to have committed an offense
20 that would be a misdemeanor if committed by an adult shall be completed and
21 provided to the court no later than 10 days following the completion of the
22 evaluation for a juvenile.
- 23 (2) The report in the case of a juvenile who is alleged to have committed an
24 offense that would be a felony if committed by an adult shall be completed
25 and provided to the court no later than 30 days following the completion of
26 the evaluation.
- 27 (3) In cases where the juvenile challenges the determination made by the
28 court-ordered evaluator and the court orders an independent evaluation, that
29 evaluation and report to the court must be completed within 60 days of the
30 entry of the order by the court.

31 The court may, for good cause shown, extend the time for the provision of the forensic
32 evaluation report to the court for up to 30 additional days. The court may renew an extension of
33 time for an additional 30 days upon request of the State or the juvenile prior to the expiration of
34 the previous extension. In no case shall the court grant extensions totaling more than 120 days
35 beyond the time periods otherwise provided in this subsection."

36 **SECTION 6.(b)** This section becomes effective January 1, 2025, and applies to
37 offenses committed on or after that date.

38 **SECTION 7.(a)** G.S. 7B-2401.4(f) reads as rewritten:

39 "(f) If the court finds that the juvenile is incapable of proceeding and substantially likely
40 to attain capacity in the foreseeable future, the court shall enforce the following time limitations
41 on remediation services. In the case of a probation violation, the underlying offense shall serve
42 as the most serious offense as used in this section:

- 43 ...
- 44 (3) If the most serious offense alleged in the petition is a Class F, G, H, or I felony
45 or any misdemeanor if committed by an adult, remediation shall not exceed
46 six months beyond the original finding of incapacity to proceed, or the
47 maximum jurisdiction of the court as provided in G.S. 7B-1601, whichever
48 occurs sooner. The court for good cause may grant an extension of up to six
49 months for remediation. If an extension is granted, remediation shall not
50 exceed 12 months beyond the original finding of incapacity to proceed, or the

1 maximum jurisdiction of the court as provided in G.S. 7B-1601, whichever
2 occurs sooner.

- 3 (4) In no case shall the court grant extensions of time for the remediation services
4 beyond the maximum jurisdiction of the court as provided in G.S. 7B-1601."

5 **SECTION 7.(b)** This section becomes effective January 1, 2025, and applies to
6 offenses committed on or after that date.

7 **SECTION 8.** G.S. 7B-1904 reads as rewritten:

8 "**§ 7B-1904. Order for secure or nonsecure custody.**

9 The custody order shall be in writing and shall direct a law enforcement officer or juvenile
10 court counselor to assume custody of the juvenile and to make due return on the order. An initial
11 order for secure custody may be issued following the filing of the petition and before the juvenile
12 has been served with the petition pursuant to G.S. 7B-1806. The official executing the order shall
13 give a copy of the order to the juvenile and the juvenile's parent, guardian, or custodian. If the
14 juvenile has not been served with the petition upon being detained, the juvenile shall be served
15 with the petition no more than 72 hours after the juvenile has been detained. If the order is for
16 nonsecure custody, the official executing the order shall also give a copy of the petition and order
17 to the person or agency with whom the juvenile is being placed. If the order is for secure custody,
18 copies of the petition and custody order shall accompany the juvenile to the detention facility or
19 holdover facility of the jail. A message of the Department of Public Safety stating that a juvenile
20 petition and secure custody order relating to a specified juvenile are on file in a particular county
21 shall be authority to detain the juvenile in secure custody until a copy of the juvenile petition and
22 secure custody order can be forwarded to the juvenile detention facility. The copies of the
23 juvenile petition and secure custody order shall be transmitted to the detention facility no later
24 than 72 hours after the initial detention of the juvenile."

25 **SECTION 9.(a)** G.S. 7B-2401.5(a) reads as rewritten:

26 "**§ 7B-2401.5. Involuntary commitment; dismissal; seal records.**

27 (a) When the court finds that a juvenile is incapable to proceed and not likely to attain
28 capacity in the foreseeable future, the court may conduct an additional hearing, as the court
29 determines to be necessary, to determine whether there are reasonable grounds to believe the
30 juvenile meets the criteria for involuntary commitment under Part 7 of Article 5 of Chapter 122C
31 of the General Statutes. If the presiding judge finds reasonable grounds to believe that the juvenile
32 meets the criteria, the judge shall make findings of fact and issue a custody order in the same
33 manner upon the same grounds and with the same effect as an order issued by a clerk or
34 magistrate pursuant to G.S. 122C-261. Proceedings thereafter are in accordance with Part 7 of
35 Article 5 of Chapter 122C of the General Statutes. If the juvenile allegedly committed a violent
36 crime, including a crime involving assault with a deadly weapon, the judge's custody order shall
37 require a law enforcement officer to take the juvenile directly to a 24-hour facility as described
38 in G.S. 122C-252. The order must also indicate that the juvenile allegedly committed a violent
39 crime and that the juvenile was found incapable of proceeding. Evidence used at the hearing
40 regarding capacity to proceed is admissible in the involuntary civil commitment proceedings. No
41 juvenile committed under this section may be placed in a situation where the juvenile will for
42 any purpose come in contact with adults."

43 **SECTION 9.(b)** This section becomes effective January 1, 2025, and applies to
44 offenses committed on or after that date.

45 **CHANGES TO CERTAIN DISPOSITIONAL ALTERNATIVES**

46 **SECTION 10.** G.S. 7B-2506 reads as rewritten:

47 "**§ 7B-2506. Dispositional alternatives for delinquent juveniles.**

48 The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may
49 use the following alternatives in accordance with the dispositional structure set forth in
50 G.S. 7B-2508:
51

- 1 ...
- 2 (4) Require restitution, full or partial, up to five hundred dollars (\$500.00),
- 3 payable within a 12-month period to any person who has suffered loss or
- 4 damage as a result of the offense committed by the juvenile. The court may
- 5 determine the amount, terms, and conditions of the restitution. If the juvenile
- 6 participated with another person or persons, all participants ~~should~~may be
- 7 jointly and severally responsible for the payment of restitution; however, the
- 8 court shall not require the juvenile to make restitution if the juvenile satisfies
- 9 the court that the juvenile does not have, and could not reasonably acquire, the
- 10 means to make restitution.
- 11 ...
- 12 (22) Require restitution of more than five hundred dollars (\$500.00), full or partial,
- 13 payable within a 12-month period to any person who has suffered loss or
- 14 damage as a result of an offense committed by the juvenile. The court may
- 15 determine the amount, terms, and conditions of restitution. If the juvenile
- 16 participated with another person or persons, all participants ~~should~~may be
- 17 jointly and severally responsible for the payment of the restitution; however,
- 18 the court shall not require the juvenile to make restitution if the juvenile
- 19 satisfies the court that the juvenile does not have, and could not reasonably
- 20 acquire, the means to make restitution.
- 21 "

INCREASE PUNISHMENT FOR CERTAIN CRIMES

SECTION 11. G.S. 14-2.6 reads as rewritten:

"§ 14-2.6. Punishment for solicitation to commit a felony or misdemeanor.

- 26 (a) Unless a different classification is expressly stated, ~~a person~~an adult or minor who
- 27 solicits another person who is an adult to commit a felony is guilty of a felony that is two classes
- 28 lower than the felony the ~~person~~adult or minor solicited the other person who is an adult to
- 29 commit, except that a solicitation to commit a Class A or Class B1 felony is a Class C felony, a
- 30 solicitation to commit a Class B2 felony is a Class D felony, a solicitation to commit a Class H
- 31 felony is a Class 1 misdemeanor, and a solicitation to commit a Class I felony is a Class 2
- 32 misdemeanor.
- 33 (b) Unless a different classification is expressly stated, ~~a person~~an adult or minor who
- 34 solicits another person who is an adult to commit a misdemeanor is guilty of a Class 3
- 35 misdemeanor.
- 36 (c) Unless a different classification is expressly stated, a minor who solicits another
- 37 minor to commit a felony is guilty of a felony that is two classes lower than the felony the minor
- 38 solicited the other minor to commit, except that a solicitation to commit a Class A or Class B1
- 39 felony is a Class C felony, a solicitation to commit a Class B2 felony is a Class D felony, a
- 40 solicitation to commit a Class H felony is a Class 1 misdemeanor, and a solicitation to commit a
- 41 Class I felony is a Class 2 misdemeanor.
- 42 (d) Unless a different classification is expressly stated, a minor who solicits another
- 43 minor to commit a misdemeanor is guilty of a Class 3 misdemeanor.
- 44 (e) An adult who solicits a minor to commit a felony or a misdemeanor is guilty of the
- 45 same class felony or misdemeanor the adult solicited the minor to commit.
- 46 (f) The following definitions apply in this section:
 - 47 (1) Adult. – A person 18 years or older.
 - 48 (2) Minor. – A person who has not reached the age of 18 years."

MODIFY NUMBER OF DAYS FOR REQUEST FOR REVIEW BY A PROSECUTOR

SECTION 11.5. G.S. 7B-1704 reads as rewritten:

1 **"§ 7B-1704. Request for review by prosecutor.**

2 The complainant and the victim have ~~five calendar days, ten working days unless waived by~~
3 the district attorney, from receipt of the juvenile court counselor's decision not to approve the
4 filing of a petition, to request review by the prosecutor. The juvenile court counselor shall notify
5 the prosecutor immediately of such request and shall transmit to the prosecutor a copy of the
6 complaint. The prosecutor shall notify the complainant, the victim, and the juvenile court
7 counselor of the time and place for the review."
8

9 **EFFECTIVE DATE**

10 **SECTION 12.** Except as otherwise provided, this act becomes effective December
11 1, 2024, and applies to offenses committed on or after that date.